

CM/ECF Version 3.2

A Guide to the New Features for Attorneys and Law Firm Staff



United States District Court, Western District of Missouri
May 2008
CM/ECF Version 3.2

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Version 3.2 Enhancements & Changes

TRANSCRIPTS AVAILABLE ONLINE – POLICIES AND PROCEDURES¹

The Judicial Conference Committee on Court Administration and Case Management has developed a policy with regard to court reporter/transcriber-generated transcripts filed in the CM/ECF system. As a result of these recommendations, beginning May 23, 2008, court reporters will file transcripts online.

- Electronic availability of transcripts:
 - For all transcripts filed with the Court, court reporters will provide the Court with one copy (electronic) for inspection only, for a 90 day period.
 - During the first 90 days, counsel may purchase a copy of the transcript from the court reporter or transcriber at the rate established by the Judicial Conference.
 - Attorneys who have purchased a copy of the transcript will also be able to obtain remote electronic access for the purpose of creating hyperlinks to the transcript in court filings and other purposes. All PACER charges will apply for attorneys who access the document via CM/ECF. The charge for viewing transcripts is not subject to the 30 page cap.
 - After the 90-day period has ended, the filed transcript will be available for inspection and printing in the clerk's office and for download from the court's CM/ECF system through PACER.
- Redaction Requirements:
 - All counsel are responsible for reviewing the electronic transcript for the purpose of requesting redactions to information that would reveal personal identifiers of those included in the transcript.
 - A notice of intent to redact must be filed within seven (7) calendar days of the delivery of the official transcript to the clerk's office.²
 - Counsel must review the following portions of the transcript for personal identifiers:
 - opening and closing statements made on the party's behalf;
 - statements of the party;
 - the testimony of any witness called by the party; and,
 - any other portion of the transcript as ordered by the court.

¹ This procedure is subject to final approval of Local Rule 80.1 regarding Transcript Policy which is open for comment through 5/23/08.

² At the Judicial Conference's March meeting the number of days was changed from 5 business days to 7 calendar days.

- Attorneys serving as “stand by” counsel for pro se defendants in a criminal case must review the same portions of the transcript as if the pro se defendant were his or her own client. (Attorney is entitled to compensation under CJA.)
- If redaction is requested, counsel or the party must electronically file with the court a statement indicating where the personal data identifiers to be redacted appear in the transcript (Page and line numbers). This must be done within 21 calendar days of the transcripts’ delivery to the clerk.
- These procedures are limited to those specific personal data identifiers listed in Federal Rules Criminal Procedure 49.1 and Federal Rules Civil Procedure 5.2. If counsel wishes to redact additional information, he or she must make a motion to the court. The transcript shall not be made available electronically until the court has ruled on such a motion.
- The court reporter must complete said redactions within 31 days of the delivery of the transcript to the clerk of court (or longer if the court so orders). He or she will then file a redacted version of the transcript. The electronic version of the unredacted transcript will be retained by the clerk as a restricted document.
- The redacted version of the transcripts will not be available on PACER until the 90-day period has passed.
- If no redactions are requested by counsel, the electronic transcript will be made available to the public at the end of the 90-day period, unless otherwise ordered by the court.

CREATING AN APPENDIX

For attorneys who have a case on appeal, counsel will now be able to create an appendix (including numbering) using the docket sheet menu.

To create the Appendix, log in using your PACER account. Select “Reports” from the blue menu bar then *Docket Report*. The *Create Appendix* option is displayed on the Docket Report selection screen.

Docket Report Selection Screen

Docket Sheet

Case number

☒ Filed to

☐ Entered

Documents to

Include:

☒ Parties and counsel

☒ Terminated parties

☐ List of member cases

☐ Links to Notices of Electronic Filing

Document options:

☒ Include headers when displaying PDF documents

☐ View multiple documents

☐ Create Appendix

Format:

☒ HTML (unpaginated)

☐ PDF (paginated)

Sort by

On the Docket Report selection screen, select the option *Create Appendix*.

- Once you enter a valid case number, the button will be enabled so you can run the requested report.

The docket sheet is displayed with checkboxes next to each docket entry. The user can select docket entries/documents that should be included in the record on appeal.

The *Sort Order* column allows the user to dictate the sort order for the documents to be included in the PDF file. Any documents with a value in the *Sort Order* column will appear in the PDF file before documents that do not have a specified sort order. The entries on the docket sheet will not be changed to reflect the values specified in the *Sort Order* column.

Docket Entry Selection Screen - Appendix

Date Filed	#	clear	Sort Order	Docket Text
01/17/2008	1	<input type="checkbox"/>		COMPLAINT against Bill Brown filed by Robin L Jones on behalf of Connie Smith. Filing fee \$350, receipt 0866000000000158515. Service due by 5/19/2008. (Attachments: # 1 Civil Cover Sheet)(Jones, Robin) (Entered: 02/11/2008)
02/11/2008	2	<input type="checkbox"/>		RETURN OF SERVICE of complaint executed by Connie Smith. Department of the Interior served on Feb 2008. (Jones, Robin) (Entered: 02/11/2008)
02/11/2008	3	<input type="checkbox"/>		RETURN OF SERVICE of complaint executed by Connie Smith. Bill Brown served on 1/25/2008, answer 3/25/2008. (Jones, Robin) (Entered: 02/11/2008)
02/11/2008	4	<input type="checkbox"/>		NOTICE of hearing: Oral Argument set for 2/20/2008 03:00 PM in Courtroom 6E, Kansas City (SWH) before Sa Hays. Telephone Conference set for 2/20/2008 03:00 PM in Courtroom 6E, Kansas City (SWH) before Sa Hays. (Jones, Robin) (Entered: 02/11/2008)

Footer format: (Numbers, letters, spaces, and <pagenum> only)

☒ Include full docket sheet
☐ Include abridged docket sheet

The user can select docket entries/documents that should be included in the record on appeal.

Any document with a value in the *Sort Order* column will appear in the PDF file before documents that do not have a value.

The footer formatting box will format the page number correctly.

The user can select to include the full docket sheet or an abridged docket sheet showing only the entries selected for the appendix.

If the size of the aggregate file would be larger than the maximum allowable size, the file will not be generated; instead an error message will be displayed. If all of the documents in the case would together exceed the maximum allowable file size, then the file sizes for each individual document appears on the screen so the user can avoid exceeding the limit (20 MB) when selecting documents.

A summary of PACER billing will be provided for the selected documents. The PACER user will be charged for the docket sheet from which the documents are selected, but not for the docket sheet that is included in the PDF file.

PACER Billing Summary

ECF [Civil](#) [Criminal](#) [Query](#) [Reports](#) [Utilities](#) [Search](#) [Logout](#)

To accept charges shown below, click on "View Document", otherwise click the "Back" button on your browser.

Total Pages: 9
Total Cost: 0.72

[View Document](#)

Pacer Service Center

Transaction Receipt

Mon Apr 21 09:30:20 CDT 2008

Pacer Login:	us6361	Client Code:	
Description:	Image1-0	Case Number:	6:06-cv-03024-WAK
Billable Pages:	1	Cost:	0.08

Pacer Service Center

Transaction Receipt

Mon Apr 21 09:30:20 CDT 2008

Pacer Login:	us6361	Client Code:	
Description:	Image2-0	Case Number:	6:06-cv-03024-WAK
Billable Pages:	1	Cost:	0.08

Pacer Service Center

Transaction Receipt

Mon Apr 21 09:30:20 CDT 2008

The total PACER charge is displayed along with the total number of pages.

Individual PACER billing receipts are displayed for each document.

On the docket sheet that is included in the PDF file, each docket entry for which one or more documents is included in the appendix will show the page number of the first document in that docket entry.

Sample of Docket Sheet that is Included in the Appendix

V.
Defendant
Terry Barry

represented by **Shirley P Cotton**
Lerner and Lowe, Inc.
1301 Della Street
Boerne, TX 78123
210-666-7788
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

The *Page* column displays the page number which represents the first page of that document in the Appendix.

Date Filed	#	Page	Docket Text
01/15/2008	<u>1</u>	4	NOTICE OF REMOVAL from Circuit Court of Absolute County, Missouri, case number 01-23456, filed by Shirley P Cotton on behalf of Terry Barry. Filing fee \$ 350, receipt number 6514654646. (Attachments: # <u>1</u> State Court Petition, # <u>2</u> Civil Cover Sheet)(Jones, Robin) (Entered: 04/15/2008)
01/15/2008	<u>2</u>	7	ANSWER to Complaint (Notice of Removal) filed by Shirley P Cotton on behalf of Defendant Terry Barry. (Jones, Robin) (Entered: 04/15/2008)
01/15/2008	<u>3</u>		Notice of EAP assignment to Program Administrator. (Attachments: # <u>1</u> EAP General Order)(Jones, Robin) (Entered: 04/15/2008)